

Ser. No. 10/733,556

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MAY 14 2007**Remarks**

Claims 1-9 were pending in the application. Claims 1-9 were rejected. No claims were merely objected to and no claims were allowed. By the foregoing amendment, claim 4 is canceled, claims 1-3 and 5 are amended, and claims 10-12 are added. No new matter is presented.

Interview Summary

Applicants appreciate the courtesy of an in-person interview March 6, 2007 between the undersigned and Examiners Chuka C. Ndubizu and Kenneth Rinehart. The claim elements were reviewed relative to the specification and drawings to provide an understanding of the invention. No specific art was discussed and no agreement reached.

Double Patenting

Claim 1 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending application 10/733,544 in view of Hunter, Jr. (US5494004). Applicants respectfully traverse the rejection.

The rejection lacked the required obviousness-type double patenting analysis. For example, first there was no appropriate claim interpretation. For example, claim 1 of the '544 application was written in means-plus-function language under 35 U.S.C. 112(6). No appropriate 112(6) analysis was made.

Second, there is no proper obviousness analysis. For example, none of the *Graham v. John Deere* factors were analyzed. No other sufficient reason was articulated. In the first full paragraph of page 6, an apparent motivation was asserted "to position the conduit and commence cleaning the heat exchanger tubes in the furnace." This is clearly insufficient. There is no indication that one of ordinary skill in the art would see the primary reference as deficient in this regard for which solution would be found in Hunter, Jr. There is no articulation of precisely how the modification would be made to the primary reference (e.g., without destroying various functionalities thereof).

Claim Rejections-35 U.S.C. 102

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Claims 1-4 and 6 were rejected as being anticipated by Hunter, Jr. Applicants respectfully traverse the rejection.

Hunter, Jr. discloses a cannon-like device. It appears the examiner has broadly interpreted support assemblies. Claim 4 has been incorporated into claim 1 in the absence of intervening claim elements to identify a plurality of trolleys, each having first and second pairs of wheels. Thus, claim 1 requires at least four pairs of wheels. There is no disclosure or suggestion for this in Hunter, Jr. This is revisited in the section below.

Claim Rejections-35 U.S.C. 103

Claims 5, 8 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Jr. Applicants respectfully traverse the rejection.

It was asserted that "a plurality of segments and each segment supported atop a single associated one of the plurality of trolleys is an obvious variation over Hunter." Office action, page 4, lines 3-4. This is not the asserted "mere duplication of parts" as in the addition of an extra reinforcing rib in the cited *In re Harza* case. Applying the mere duplication of parts theory to Hunter, Jr. would be, for example, if Applicants claimed cleaning a furnace with two Hunter, Jr. devices.

The provision of multiple trolleys and multiple segments is not suggested by Hunter, Jr. As noted in the specification, these may provide modularity and ease of assembly.

Claims 8 and 9 are believed patentable for the same reason as is the subject matter of underlying claim 1.

The added claims identify various other aspects of the modularities for which there is no suggestion.

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Jr. in view of Heering et al. (US5950572). Applicants respectfully traverse the rejection.

Col. 3, lines 25-27 of Heering et al. were cited which read: "Slide 7 is pressed against lance box 5 by a compression spring which applies the necessary sealing force by way of a space sleeve 14 and O ring 15." The combination was asserted "in order to provide an apparatus that ensures gas tightness and motion along the protection against high temperatures..." Office action,

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paragraph spanning pages 4 and 5. There is no reason why one of ordinary skill in the art would attempt such a modification. One need only look at the figures of Hunter, Jr. and Heering et al. and be perplexed as to how such a proposal could be implemented. Look at Hunter, Jr. FIG. 2 and Heering et al. FIG. 2. These are substantially different physical situations. There is no reason why one would attempt to make any modification of Hunter, Jr. based upon Heering et al. There has been no identification of how this could be done without interfering with the basic operation of Hunter, Jr.

Accordingly, Applicants submit that claims 1-3 and 5-12 are in condition for allowance. Please charge any fees or deficiency or credit any overpayment to our Deposit Account of record.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted this 14th day of May, 2007 to the USPTO, at Fax No. 511-273-8300.


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